

**UNITED STATES DISTRICT COURT  
FOR THE  
EASTERN DISTRICT OF OKLAHOMA**

MARK SEIFRIED,	)	
	)	
Plaintiff	)	
	)	
v.	)	<b>Case No.: 6:12-cv-00032-JHP</b>
	)	
PORTFOLIO RECOVERY	)	
ASSOCIATES, LLC, a wholly-owned	)	
subsidiary of PORTFOLIO	)	
RECOVERY ASSOCIATES, INC.,	)	
	)	
Defendant	)	

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**RESPONSE IN OPPOSITION TO DEFENDANT'S  
MOTION FOR ENTRY OF PROTECTIVE ORDER**

Comes now Plaintiff, Mark Seifried, by and through his attorneys, Kimmel & Silverman, P.C., responds in opposition to Defendant's Motion for Entry of Protective Order as follows:

1. Admitted.
2. Admitted in part, and Denied in part. It is admitted that Defendant seeks entry of the Proposed Protective Order. It is denied as a fact and a conclusion of law that such an order is necessary to facilitate the exchange of private and confidential documents and information. By way of further answer, Plaintiff has not sought any documents from Defendant at this time. Defendant seeks to have this Court speculate what materials Plaintiff may request and

what documents Defendant may have which are responsive to those requests. In fact, Defendant does not articulate what relevant documents it has that it believes to be private or confidential. Therefore, this Motion is premature. Furthermore, the Rules of Civil Procedure provide a remedy for this situation, in that, to the extent Defendant believes that any responsive documents are confidential, it is to prepare a confidentiality log. Then, it puts the parties in a better position to determine whether a protective order is necessary and/or to discuss this issue with the Court.

3. Denied as a fact and as a conclusion of law. Classification of any information as a trade secret, proprietary or confidential is a legal conclusion. Since there has been no requests for or identification of any documents relevant to this case as of yet, concluding that any information is a trade secret, proprietary, or confidential is premature and therefore denied.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court deny Defendant's Motion for Entry of the Proposed Protective Order.

RESPECTFULLY SUBMITTED,

Date: May 18, 2012

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